

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RANDY ANGER,

Plaintiff,

No. 12-14980

v.

District Judge Mark A. Goldsmith  
Magistrate Judge R. Steven Whalen

DR. LAWRENCE CO, ET AL.,

Defendants.

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**ORDER DENYING APPOINTMENT OF COUNSEL**

Plaintiff Randy Anger, a *pro se* litigant in this civil rights action brought under 42 U.S.C. §1983, has filed a motion for appointment of counsel and to compel discovery [Doc. #18].<sup>1</sup>

Unlike criminal cases, there is no constitutional or statutory right to the appointment of counsel in civil cases. Rather, the Court requests members of the bar to assist in appropriate cases. In *Lavado v. Keohane*, 992 F.2d 601, 605-606 (6<sup>th</sup> Cir. 1993), the Sixth Circuit noted that “[a]ppointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances.” (Internal quotations and citations omitted).

It is the practice of this Court to defer any attempt to obtain counsel for *pro se* civil rights Plaintiffs until after motions to dismiss or motions for summary judgment have been denied. Remaining Defendants Caro Center and Dr. Lawrence Co have filed a

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<sup>1</sup> The Plaintiff does not request an order compelling production of discovery that was requested but not provided, but rather asks the Court to “order and assign a court appointed attorney to assist the Plaintiff in discovery.” Thus, the motion is construed as simply a motion to appoint counsel.

motion to dismiss [Doc. #13], which is still pending. At this stage of the proceedings, Plaintiff's request for counsel is premature.

Accordingly, Plaintiff's Motion to Appoint Counsel [Docket #18] is DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

Dated: December 16, 2013

s/ R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on December 16, 2013, electronically and/or by U.S. mail.

s/Michael Williams  
Case Manager for the  
Honorable R. Steven Whalen